

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER
04-CR-195S

EDIS VILLATORO-PARADA,

Defendant.

1. Defendant Edis Villatoro-Parada is charged along with her brother, Jaime Villatoro, in two-count Indictment with conspiring to bring illegal aliens into the United States and to transport those aliens within the United States, and with attempting to transport illegal aliens within the United States in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and (a)(1)(A)(v)(I).

2. On August 16, 2004, this Court referred this matter to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(A), and thereafter to file a Report and Recommendation.

3. In a Report and Recommendation filed on March 9, 2005, after oral argument, Judge Schroeder recommended that Defendant's Motion to Suppress the identification testimony of Kamal M. Shafia based on a June 7, 2004 photo array be denied. Further, Judge Schroeder recommended denying Defendant's alternative request for a hearing regarding the manner in which the photo array was conducted.

4. On March 23, 2005, Defendant was granted an extension of time to file objections to Judge Schroeder's Report and Recommendation. Defendant was directed to file her objections by April 27, 2005.

5. A review of the official docket reveals that no objections to the Report and Recommendation have been filed.

6. This Court has carefully reviewed Judge Schroeder's March 9, 2005 Report and Recommendation, as well as the pleadings and materials submitted by the parties.

IT HEREBY IS ORDERED that this Court accepts Judge Schroeder's March 9, 2005 Report and Recommendation (Docket No. 25) in its entirety, including the authorities cited and the reasons given therein.

SO ORDERED.

Dated: April 29, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge